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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,821	02/04/2005	Osami Katsumata	033458M003	3993

441 7590 04/20/2007
SMITH, GAMBRELL & RUSSELL
1850 M STREET, N.W., SUITE 800
WASHINGTON, DC 20036

EXAMINER

PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
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3721

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/523,821

Applicant(s)

KATSUMATA, OSAMI

Examiner

John R. Paradiso

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/22/2006 have been fully considered and are considered moot in view of the new grounds of rejection below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over TAKAMI (US 4938009) in view of LAMAMY ET AL (US 2002/0007616).

TAKAMI discloses a bundling unit with a tape reel (20) for holding tape (B) in a wound state. A tape feed unit (8, 9) feeds the tape to a movable tape gripper (11) and the tape is then guided around arch (12) until a predetermined tightness is reached. The tape feed unit is then reversed to tighten the strap around a bundle (A), after which it is cut and fused by a cutting and bonding unit (11). (See TAKAMI column 3:65-66 AND Fig. 1).

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Regarding claim 1 lines 11-15, the movable tape gripper (11) of TAKAMI is being read on the claimed "movable tape gripper". Examiner notes that the claim recites "a movable³ tape gripper for gripping the leading end part of the bundling tape, which is shown in TAKAMI.

Claim 1 of the instant application further recites "the tape winding unit being configured to wind the bundling tape round the bank note stack by moving the tape gripper gripping the leading end part of the bundling tape"; Examiner notes that TAKAMI is also configured for "moving the tape gripper gripping the end part of the bundling tape. However, the instant claim does not specifically recite the gripper itself moving around the bundle, but only for moving to grip the end of the bundling tape. The tape winding unit of TAKAMI is indeed configured "to wind the bundling tape round the bank note stack..".

TAKAMI does not disclose the bundle as being bank notes or of using endless belts to move the gripper.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use invention of TAKAMI to band bank notes or anything which could be more conveniently handled in a bundle. Examiner also notes that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

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Regarding claims 2, 3, and 5-12, Applicant was given Official Notice that the printing of contents on a wrapping band is well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a printing unit to the invention of TAKAMI in order to provide the end-user with a visual indication of the exact contents of the bundle. Since this has not been refuted, this feature will hereinafter be referred to as admitted prior art.

LAMAMY ET AL discloses an apparatus for banding a product in which an endless conveyor (28) is used to move gripping means (27) (see LAMAMY ET AL Fig. 4)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of TAKAMI by using an endless belt to move the gripper, as taught by LAMAMY ET AL, in order to provide for continuous and synchronized operation of the machine.

Reference Citations

4. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- DRAHETTI discloses an apparatus using an endless belt (38) to move a gripping device (39)

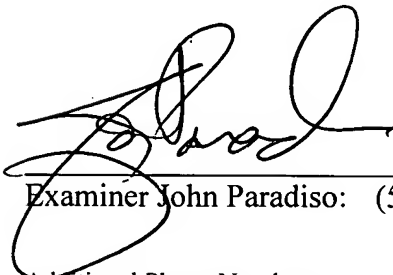
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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (571) 272-4466

April 15, 2007

Additional Phone Numbers:

Supervisor Rinaldi Rada: (571) 308-7135

Fax (Official): (571) 273-8300

Fax (Direct to Examiner) (571) 273-4466 (Drafts only)